REMARKS

This Amendment is responsive to the Office Action dated March 18, 2005. Applicants have amended claims 1, 4 and 20. Claims 1-22 are still pending.

In the Office Action, the Examiner rejected claims 1-13 and 18 under 35 U.S.C. 103(a) as being unpatentable over Henmi et al. (U.S. Patent 5,274,618) in view of Iida et al. (European Patent Number 0 424 218) and Ledieu et al. (French Patent Number 2 676 577). In addition, the Examiner rejected claims 14-17 and 19-22 under 35 U.S.C. 103(a) as being unpatentable over Henmi in view of Iida and Ledieu and further in view of Hong (US Patent 5,688,447).

Applicants respectfully traverse the rejections to the extent such rejections may be considered applicable to the amended claims. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

As a preliminary matter, Applicants note that nothing in any of the applied references contemplates the creation and testing of a check disk. A check disk is not the same as a stamper. The Examiner is citing Henmi as disclosing the creation and testing of a stamper, and interpreting the stamper creation and testing as being suggestive of the creation and testing of a check disk. A check disk, however, is not a stamper.

A stamper is a disk fabrication tool used for creating large numbers of replica disks, e.g., in an injection molding tool. A check disk is not a disk fabrication tool. A check disk, in contrast, is an end product disk similar to the replica disks that are created using stampers. However, unlike replicas, the check disk is created directly from the master and then tested to determine whether the stampers should be created in the first place.

Nothing in any of the applied references discloses or suggests the creation of a check disk. On the contrary, the applied references describe the creation of stampers from masters and the creation of replicas from stampers. In the applied prior art, no check disks are created from a master in order to determine whether the stampers should be created.

Again, it appears that the Examiner is citing Henmi as disclosing the creation and testing of a stamper, and interpreting the stamper creation and testing as being suggestive of the creation and testing of a check disk. While Applicants disagree with this interpretation of Henmi, Applicants have nevertheless amended the independent claims to further clarify the difference between stampers and

check disks. Applicants believe that the current amendments should add further clarity to the distinctions between a check disk and a stamper.

More specifically, the independent claims have been amended to clarify that the creation of the check disk includes depositing at least one of the following materials on the check disk: a reflective material, a phase change material, and a magneto-optic material. In this manner, the check disk creation process, as well as the defined structure of the check disk, is clearly distinguishable from the stampers of Henmi. The stampers of Henmi, for example, do not include a reflective material, a phase change material, or a magneto-optic material deposited thereon.

Again, the check disk is not a disk fabrication tool used to create replicas. Instead, the check disk is an end product, similar to the replicas, but created directly from the master. As outlined in Applicants' specification, the creation of a check disk directly from the master provides advantages because the check disk can be created much more quickly than stampers and replicas. For example, the check disk may be created in a matter of hours and delivered to a customer for verification that the disk is acceptable. If the check disk is acceptable, a stamper can be created from the master and large numbers of replicas can be created using the stamper.

The current amendments to the claims should clarify the distinction between the applied prior art and Applicants' claims. Again, the claims have been amended to clarify that the creation of the check disk includes depositing at least one of the following materials on the check disk: a reflective material, a phase change material, and a magneto-optic material.

Insofar as the Examiner is interpreting a test stamper as being the same as Applicants' claimed check disk, the current amendment should address any remaining concerns that the Examiner may have. In particular, nothing in any of the applied prior art suggests depositing a reflective material, a phase change material, or a magneto-optic material on a stamper, much less depositing one of these materials on a check disk.

Dependent claims 3 and 4 and independent claim 20 even further clarify the check disk creation process by specifically defining a photopolymerization process. Moreover, as set forth in claims 4 and 20, the deposited material (i.e., the reflective material, the phase change material, or the magneto-optic material) is deposited on the photopolymer layer to form the check disk. Nothing in any of the applied references is even remotely suggestive of these check disk features.

Application Number 10/050,299
Responsive to Office Action mailed March 18, 2005

In view of the claim amendments and foregoing comments, Applicants request further consideration by the Examiner and allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: 5/23/5

By:

Imation Legal Affairs
P.O. Box 64898
St. Paul, Minnesota 55164-0898
Telephone: (651) 704-3604
Facsimile: (651) 704-5951

Name: Eric D. Levinson
Reg. No.: 35,814